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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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William H. Bollman Manelli Denison & Selter PLLC 2000 M Street, N.W. Suite 700 WASHINGTON, DC 20036-3307			EXAMINER SING, SIMON P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 08/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/296,538

**Applicant(s)**

ALI ET AL.

**Examiner**

SIMON SING

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-17, 19, 20, 22-26, 28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 19, 20, 22-26, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 11-15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577.

1.1 Regarding claim 1, O'Neal discloses a voice messaging system in figure 1, comprising:

a controller (a voice messaging system inherently comprises a controller, or processor);

a user accessible voice message memory (InBox; figures 9 and 18) for storing user accessible voice message(s); and

a deleted voice message memory (Trash Bin; figure 9) for storing deleted voice message(s) (column 9, lines 55-59).

O'Neal teaches that after a voice message has been played back, a user deletes the voice message from the InBox (obviously upon by an activation of a user selectable option, such as a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to

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column 8, line 3), the deleted voice message is removed and stored in the Trash Bin (column 9, lines 14-38, 55-59). O'Neal fails to teach automatically compressing the deleted voice message before storing in the trash Bin.

However, Gulick teaches that voice messages are preferably compressed before storing to reduce storage area, or memory requirement (column 2, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin. The motivation for such a modification was to reduce the size of the deleted voice message so that more deleted voice messages could be stored in the Trash Bin.

1.2 Regarding claim 2, O'Neal teaches a telephone system 108 for interfacing with a PSTN in figure 1.

1.3 Regarding claim 3, O'Neal teaches moving a deleted voice message from the Trash Bin back to the InBox, and it is obvious that a compressed voice message can be played back by de-compressing (column 9, lines 62-65).

1.4 Regarding claim 4, O'Neal teaches expunging the deleted voice message from the Trash Bin (column 9, lines 62-65).

1.5 Regarding claim 5, O'Neal teaches using a computer 20 to access the voice messaging system for retrieving a voice message (column 9, lines 14-38), and it is obvious that a user is able to highlight the deleted voice message in the Trash Bin and press a delete key from the computer keyboard to permanently delete the deleted voice message.

1.6 Regarding claim 11, it is inherent that a compressed voice message has a lower bit rate than a un-compressed voice message.

1.7 Regarding claim 12, O'Neal discloses a method for retrieving and deleting a voice message in voice messaging system, comprising:

automatically moving a user deleted voice message from a user accessible first memory (InBox; figures 9 and 18) to a second memory (Trash Bin; figure 9) after played back and upon activation of a user selectable keypad option, such as a delete command from a keypad (obviously by a command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3; column 9, lines 14-59).

O'Neal teaches moving the voice message to the Trash Bin upon user deletion, but fails to teach automatically compressing the deleted voice message before storing in the Trash Bin.

However, Gulick teaches that voice messages are preferably compressed before storing to reduce storage area, or memory requirement (column 2, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin. The motivation for such a modification was to reduce the size of the deleted voice message so that more deleted voice messages could be stored in the Trash Bin.

1.8 Regarding claim 13, O'Neal teaches moving a deleted voice message from the Trash Bin back to the InBox, and it is obvious that a compressed voice message can be played back by de-compressing (column 9, lines 62-65).

1.9 Regarding claim 14, O'Neal teaches inputting a password to access the voice messaging system (column 9, lines 18-20, 62-65).

1.10 Regarding claim 15, O'Neal teaches expunging the deleted voice message from the Trash Bin (column 9, lines 62-65).

1.11 Regarding claim 22, O'Neal discloses a voice messaging system in figure 1, comprising:

means for automatically moving a user deleted voice message stored in a user accessible first memory area (InBox; figures 9 and 18) upon activation of a user selectable keypad option (obviously such as a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3) to delete said voice message from the first memory area after played back (column 9, lines 55-59);

means for storing said deleted voice message in a deleted memory area (Trash Bin; figure 9; column 9, lines 55-59); and

means for retrieving the deleted voice message from the Trash Bin (column 9, lines 62-65).

O'Neal teaches moving the voice message to the Trash Bin upon a user deletion, but fails to teach automatically compressing the deleted voice message before storing in the Trash Bin.

However, Gulick teaches that voice messages are preferably compressed before storing to reduce storage area, or memory requirement (column 2, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin. The motivation for such a modification was to reduce the size of the deleted voice message so that more deleted voice messages could be stored in the Trash Bin.

1.12 Regarding claim 23, O'Neal teaches inputting a password to access the voice messaging system (column 9, lines 18-20, 62-65).

1.13 Regarding claim 24, O'Neal teaches using a computer 20 to access the voice messaging system for retrieving a voice message (column 9, lines 14-38), and it is obvious that a user is able to highlight the deleted voice message in the Trash Bin and press a delete key from the computer keyboard to permanently deleting the deleted voice message.

2. Claims 6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Murray US 5,369,697.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice message in the Trash Bin, but fails to teach expunging (deleting) the deleted voice message is based on a predetermined condition such as a time length or time interval.

However, Murray teaches automatically deleting old voice messages after a time period (column 4, lines 25-26, 29-30).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin. The motivation for such a modification was to reduce the size of the deleted voice message so that more deleted voice messages could be stored in the Trash Bin.

Therefore, since the voice message in the Trash bin is an old message, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Murray, so that old voice messages in the Trash Bin would have been automatically deleted after a predetermined time period. The motivation for such a modification was to free up memory space for newly deleted message(s).

3. Claims 7, 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Garson et al. US 5,689,550.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice messages in the Trash Bin, but fails to teach deleting an

oldest voice message stored in the Trash Bin when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (a memory area) reaches its limit by percentage of the memory area, or by number of call (messages), the oldest records are deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Garson so that the oldest voice message in the Trash Bin would have been automatically and permanently deleted when the deleted voice messages reached a predetermined number. The motivation for such a modification was to free up memory space for newly deleted message(s).

4. Claims 9, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Sweet et al. US 5,163,085.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice messages in the Trash Bin, but fails to teach deleting the deleted voice messages from the Trash Bin when its memory reaches a predetermined percentage of the capacity.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file (memory) reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Sweet so that the oldest deleted automatically and permanently deleted when the memory of the Trash Bin reached a predetermined percentage of its capacity. The motivation for such a modification was to free up memory space for newly deleted message(s).

5. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Tow EP 820182.

5.1 Regarding claim 28, O'Neal discloses a voice messaging system in figure 1, comprising:

a controller (a voice messaging system inherently comprises a controller, or processor);

a user accessible voice message memory (InBox; figures 9 and 18) for storing user accessible voice message(s); and

a deleted voice message memory (Trash Bin; figure 9) for storing deleted voice message(s) (column 9, lines 55-59).

O'Neal teaches that after a voice message has been played back, a user deletes the voice message from the InBox (obviously by activating a user selectable keypad option, such as a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3), the voice message is removed and stored in the Trash Bin (column 9, lines 14-38, 55-59). O'Neal fails to teach automatically compressing the deleted voice message before storing in the trash Bin, and the memory space of the Inbox and the Trash Bin (deleted mailbox) are dynamically adjusted to optimize memory space available.

However, Gulick teaches that voice messages are preferably compressed before storing to reduce storage area, or memory requirement (column 2, lines 18-25).

In addition, Tow teaches dynamically modifying disk space for mailboxes (column 1, lines 5-10), and when messages are deleted from, or added to a mailbox, the disk space is reduced or increased accordingly (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin, and memory space for the mailboxes (InBox and deleted mailbox/Trash Bin) would have been dynamically adjusted when messages were

added to or deleted from. The motivation for such a modification was to reduce storage space requirement for old (played) and deleted message(s) in the Trash Bin, and to allocate memory space based on actual usage.

5.2 Regarding claim 30, O'Neal discloses a voice messaging system in figure 1, comprising:

means for automatically moving a user deleted voice message stored in a user accessible first memory area (InBox; figures 9 and 18) upon an activation of a user selectabe keypad option (obviously by a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3), to delete said voice message from the first memory area after played back (column 9, lines 55-59);

means for storing said deleted voice message in a deleted memory area (Trash Bin; figure 9; column 9, lines 55-59); and

means for retrieving the deleted voice message from the Trash Bin (column 9, lines 62-65).

O'Neal teaches moving the voice message to the Trash Bin after user deletion, but fails to teach automatically compressing the deleted voice message before storing in the trash Bin, and the memory space of the Inbox and the Trash Bin (deleted mailbox) are dynamically adjusted to optimize memory space available.

However, Gulick teaches that voice messages are preferably compressed before storing to reduce storage area, or memory requirement (column 2, lines 18-25).

In addition, Tow teaches dynamically modifying disk space for mailboxes (column 1, lines 5-10), and when messages are deleted from, or added to a mailbox, the disk space is reduced or increased accordingly (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Gulick, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before storing in the Trash Bin, and memory space for the mailboxes (InBox and deleted mailbox/Trash Bin) would have been dynamically adjusted when messages were added to or deleted from. The motivation for such a modification was to reduce storage space requirement for old (played) and deleted message(s) in the Trash Bin, and to allocate memory space based on actual usage.

### ***Response to Arguments***

6. Applicant's arguments filed on 04/10/2008 have been fully considered but they are not persuasive.

Applicant contends that the prior art fails to teach or suggest compressing a voice message upon activation of a user selectable keypad option to delete the voice message. Examiner respectfully disagrees. As state above, O'Neal teaches deleting a voice message upon activation of a user selectable keypad option, and Gulick teaches (obviously automatically) compressing voice messages to reduce storage area, or memory requirement. Therefore, in order to reduce memory requirement for the Trash

Bin (deleted/second memory), the deleted voice message obviously would have been automatically compressed to reduce storage area in the Trash Bin.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any

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inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/Simon Sing/

Examiner, Art Unit 2614

07/08/2008